



Town of New Windsor

OFFICE OF THE PLANNING BOARD

WEDNESDAY -- APRIL 26, 2006 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED:

FEBRUARY 22, 2006 - MARCH 8, 2006 - MARCH 22, 2006

ANNUAL MOBILE HOME PARK REVIEW:

- a. **CINTRON MOBILE HOME PARK – CEDAR AVENUE**

REGULAR ITEMS:

1. **KEILLY ESTATES (COLEMAN) (03-01) LAKE ROAD (DILLIN)** Proposed 10-Lot Residential subdivision for single-family homes
2. **VALLEY FIELDS SUBDIVISION (formerly SAWYER) (03-31)**
BETHLEHEM ROAD & JACKSON AVENUE – Proposed 14-lot residential subdivision.
3. **CUMBERLAND FARMS (05-25) RT. 94 & CAESAR'S LANE (OLSEN)**
Proposed renovation and expansion of existing Retail and Gas Pumps
4. **VAN LEEUWEN SUBDIVISION & LOT LINE CHANGE (05-03)**
TOLEMAN ROAD (PFAU) - Proposed 2-lot residential subdivision with lot line change.
5. **PIARIA SITE PLAN (05-27) SILVER STREAM ROAD (SHAW)** Proposed construction of 9,800 sf building along with a 5,180 sf truck canopy and 22 parking spaces.
6. **MC&B PARTNERSHIP (06-11) 137 TEMPLE HILL ROAD (SHAW)**
Proposed development of two parcels of land totaling 10.42 acres into 5 commercial pad sites.
7. **SILVER, FORRESTER, SCHISANO, LESSER & DREYER, P.C. (06-12) RT. 9W (COPPOLA)** Proposed increase in parking.
8. **QUICK CHEK - NEGATIVE DEC.**

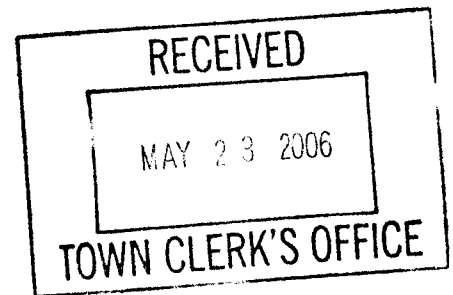
DISCUSSION
ADJOURNMENT

(NEXT MEETING –MAY 10, 2006)

April 26, 2006

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TOWN OF NEW WINDSOR
PLANNING BOARD
APRIL 26, 2006



MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
JOSEPH MINUTA

ALTERNATES: DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

REGULAR MEETING

MR. ARGENIO: I'd like to call to order the April 26, 2006 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

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MR. ARGENIO: We have a very crowded agenda tonight so I'm going to start with it right away. We're going to move right along here.

APPROVAL_OF_MINUTES_DATED_FEBRUARY_22,_2006,_MARCH_8,_
2006,_MARCH_22,_2006

MR. ARGENIO: First thing I'd like to talk about is an approval for the minutes dated February 22 of 2006, March 8, 2006 and March 22, 2006, unless anybody has an issue, I'll accept a motion that we accept them as written.

MR. MINUTA: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that we accept the minutes as written for the 22 of February 8 of March and 22 of March, accept those minutes as they are written. If there's no further discussion, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

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ANNUAL_MOBILE_HOME_PARK_REVIEW:

CINTRON_MOBILE_HOME_PARK

MR. ARGENIO: Cintron Mobile Home Park, is somebody here to represent that? Okay, we'll table that and we'll call on them later in the meeting. Let's go right to our first regular item.

REGULAR_ITEMS:

KEILLY_ESTATES_(COLEMAN)_(03-01)

Mr. James Dillin appeared before the board for this proposal.

MR. ARGENIO: This project proposes subdivision of the 24.1 acre parcel into 10 single family residential lots. The plan was previously reviewed at the 22 January, 2003 meeting, the 24 March, 2004 meeting and the 9 June, 2004 planning board meetings. Do you have a plan you can put up there for us, Mr. Dillin?

MR. DILLIN: Yes, I do.

MR. VAN LEEUWEN: Beautiful piece of property, tell you that much, I know it well.

MR. ARGENIO: You have not been here since 9 June of '04, can you tell us where you're at and what you've been doing for the benefit of the board members?

MR. DILLIN: We have received preliminary approval and we have been before the health department, there's no lot line changes, it's basically engineering to get the septs, wells approved. We had to drill wells, we had to pump a couple different times. I have applied for extensions for the board to keep our preliminary status up. We have received health department approval and we're ready for final subdivision approval.

MR. ARGENIO: Mark has a few items here.

MR. EDSALL: Mr. Chairman, they're all procedural except for one which maybe Jim could point out if I'm missing the note or just need to have it added, is the note the highway superintendent requested about driveway culverts there?

MR. ARGENIO: I have a note here, he's requesting 15 inch driveway culvert to be installed on each of the building lots, have you addressed that?

MR. DILLIN: Yes, what I did was Mark had given me that comment, I thought he meant only on Keilly Court because of the steepness. I will put the note on but Lakes Road I'm not sure we need culverts cause it runs totally away from it.

MR. EDSALL: Well, what he wasn't sure what the road side ditching was going to be when the driveways were built so he was happy with just a note and that way if they weren't needed waive it in the field, this they were required he'd call for it.

MR. ARGENIO: It's on each building lot if I'm reading it correctly.

MR. BABCOCK: That's correct.

MR. EDSALL: Any access to Lake Road would have a 15 inch culvert unless it's waived by the highway super.

MR. ARGENIO: He says each building lot, I'm asking if you can clarify.

MR. EDSALL: There are some building lots that are interior on the private road that I'm sure he really isn't considering.

MR. ARGENIO: He's concerned about the Lake Road access.

MR. EDSALL: I met with him and developed this with him so if Jim could add that note on the final plan.

MR. DILLIN: I'll add the note on, I have no problem adding that on, no.

MR. ARGENIO: We have something else here that does not specifically refer to you, sir, but I'm going to touch on it for the benefit of the other board members. I'm going to read Mark's item number 2 for the benefit of the board member, the plans are substantially the same as those considered at preliminary. As such, I recommend that the board waive the final public hearing as per the discretionary judgment under Section 257-14 (B)(2) of the Town Code. Final public hearing is something new. Mark, can you shed a little light on that for us please?

MR. EDSALL: When the Town Board asked that all departments update the Town Code and it was effectively done from cover to cover, one of the sections that was redone was the subdivision regulations and there were draft regulations provided to the Town that would bring them into conformance with today's standards and the case law. One of the enhancements that he they put into the code was the ability to have a final public hearing in case the plans changed quite a bit from when they were granted preliminary approval to when they came back for final. You've got the option to ask for a final public hearing, I would think in the great number of times I doubt you'll have one you'll waive it and this is one of them.

MR. ARGENIO: In the odd instance that we have a plan that for whatever reason Department of Health or whatever the reason changes substantially we as a board have the opportunity to open up to the public again if we see fit.

MR. EDSALL: Correct, or if there's for some reason new information you become ware of between prelim and final and you want to have the input from the public, you would have it for that reason, something I would think would be substantial to have another public hearing but in this case, it's just procedural, I would think it's appropriate to waive it.

MR. ARGENIO: Joe, you on that?

MR. MINUTA: I'm on board with that. The only issue that I have, I'm new to this plan so I really don't have a full understanding of it.

MR. ARGENIO: Well, this was before us when you served as an alternate, yeah, I actually, Joe, for the benefit of Howard who's brand new, I did call him and tell him and I called you too, I called Henry Van Leeuwen the two brand new members, I made it a point to call them because they'd never ever seen this but this was before us when you stood as an alternate or I certainly would have called you. I think that--

MR. MINUTA: Just don't have recollection of this.

MR. ARGENIO: Well, we do see a lot of plans. I'll accept a motion that we waive that final public hearing unless somebody else feels different.

MR. SCHLESINGER: I'll make the motion to waive the final public hearing in that pretty much everything is the same as the preliminary.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made that the Town of New Windsor Planning Board waive the final public hearing of Keilly Estates major subdivision. If there's no further discussion from the board members, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE

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MR. ARGENIO AYE

MR. ARGENIO: We have, we already talked about the highway issues, Anthony Fayo's issues, I think that they have been effectively addressed, we have fire on 6/9 of '04, 911 has been approved, I'm not aware of any other issues here, there's a couple subject-tos here that I'll read in, the bond and the maintenance declaration which will go to Andy Krieger. Does anybody have anything further on this?

MR. KRIEGER: Dedications to the Town, private road maintenance comes to me.

MR. DILLIN: Okay.

MR. ARGENIO: If nobody has anything else, I'll accept a motion for final approval for Keilly Estates.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant Keilly Estates major subdivision final approval on Lakes Road. No further discussion for the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Good luck.

MR. DILLIN: Thank you very much.

VALLEY_FIELDS_SUBDIVISION_(FORMERLY_SAWYER)_(03-31)

Kurt Schollmeyer, P.E. appeared before the board for this proposal.

MR. ARGENIO: Valley Fields Sawyer subdivision on Jackson Avenue. Their application proposes subdivision of a 33.3 acre parcel into 14 single family residential lots. The application was previously reviewed at the 22 October, 2003, 25 February, 2004, 28 April, 2004 and 10 November, 2004 planning board meetings. Tell us what you're doing here.

MR. SCHOLLMEYER: If anybody would like, I have three sets of drawings, I have three new sets of drawings.

MR. MINUTA: That would be great.

MR. ARGENIO: What do we have here?

MR. SCHOLLMEYER: My name is Kurt Schollmeyer, I'm with Spectra Engineering here representing Marjorie Sawyer and her 14 lot subdivision. We have received Orange County Health Department approval in February, 911 approval back last October, we have revised the plans based on the comments from the preliminary plat and have met with Mark Edsall and Anthony Fayo recently to go over last minute details and submitted those revised plans recently to both the board and to Mr. Edsall and Mr. Fayo. The only other item that was outstanding were the offers of dedication for drainage easements and parcels and those have been delivered over to the Town attorney I believe.

MR. ARGENIO: Sir, are you the engineer or the attorney?

MR. SCHOLLMEYER: I'm the engineer.

MR. ARGENIO: Go ahead. Anything else?

MR. SCHOLLMEYER: The subdivision for those of you that are new to the board is located on almost the intersection of Bethlehem and South Jackson Avenue, it's 36 acres, it's an open pasture right now for the most part except for the Sawyer's homestead, they have been here since '63, raised their four boys, family was raised there, looking to subdivide it, as I said, into 14 lots. They have 2,200 feet worth of Town road that will be dedicated to maintain the storm water, there are three separate storm water parcels that will become part of a storm water district and all that paperwork has been submitted also to the Town. We have been before the board, had a public hearing and gotten through the health department and we're here tonight for consideration for final approval.

MR. SCHLESINGER: You haven't been here about two years?

MR. SCHOLLMEYER: Right.

MR. SCHLESINGER: Health department?

MR. SCHOLLMEYER: Application took about one year.

MR. SCHLESINGER: Were there any major issues?

MR. SCHOLLMEYER: It was some issues with well testing, some with the septic systems, you know, finding the correct areas for them, some lot lines were shifted a little bit to accommodate that, they were submitted and reviewed with Mr. Edsall.

MR. ARGENIO: As we continue with this we're going to come to some bullets here that Mark has, Mark, did your people witness the perc tests?

MR. EDSALL: Yes, actually with the health department they witness them, we worked with them on the review of

the storm water systems.

MR. ARGENIO: Bullet number 4 indentation one, the appropriate signature be included for the files from Kroll relative to the lot line change. Can you point to that lot line change?

MR. SCHOLLMEYER: Actual lot line change is this addition.

MR. ARGENIO: What's that to provide for an easement?

MR. SCHOLLMEYER: Right-of-way access to the north.

MR. ARGENIO: That's to benefit them as well.

MR. SCHOLLMEYER: Further development on that property.

MR. ARGENIO: That's a good idea.

MR. EDSALL: My records show that they had made the proper application but that there was no signature or authorization from the Krolls, I just want to make sure before we close this whole thing out, Myra has a complete file.

MR. ARGENIO: What about the Krolls?

MR. SCHOLLMEYER: They're listed as a co-applicant.

MR. ARGENIO: So you have spoken to them I guess?

MR. SCHOLLMEYER: Yes and I, the application you have does not have Krolls' signature. This whole thing is to benefit the Krolls.

MR. EDSALL: I can't imagine they wouldn't want to sign it.

MR. ARGENIO: I'm dotting my I's and crossing my T's,

tell me about the arborvitae along the north side of the roadway.

MR. SCHOLLMEYER: The issue at the public hearing was Mr. Eckhardt and his concern of screening for his property, very narrow in that area, we have a whole Town road and sidewalk so we offered him a planting of arborvitae, presently it's shown within the right-of-way which may have issue with the highway super that probably can be arranged as private agreement I believe from Mr. Sawyer spoke to Mr. Eckhardt about just planting that for him on his own property so it wouldn't be a Town improvement.

MR. ARGENIO: He's good with that?

MR. SCHOLLMEYER: Yes.

MR. ARGENIO: Procedurally SEQRA was closed on this application 11/10/04, planning board issued a negative dec, public hearing was held on 11/10 of '04, preliminary public hearing held on 11/10 of '04, there's no comment about Orange County Planning because this application pre-exists, referral to the Orange County Planning, the applicant has submitted a public improvement cost estimate which has been reviewed by McGoe, Hauser and Edsall and they recommend acceptance of that estimate. We have fire on 11/5 of '04, we have 911 approved, this on 4/18/06, I do have one question though either for you, sir, or for Mark relative to Anthony Fayo, he has approved this conditional upon the following, applicant agrees to install two catch basins this will address the entrance as per discussion with the highway superintendent. What does that mean address the entrance, is that referring to the catch basins or is there something else out there?

MR. SCHOLLMEYER: The catch basins were an additional pair of catch basins here for the cul-de-sac and the entrance was a treatment of, to handle the drainage

there, kind of with regard to the existing grading of the road there, there's some special notes that Mr. Fayó will be consulted during construction to get his approval.

MR. ARGENIO: Okay, so Anthony saw this, he had some grading issues on the outlet onto what's that, Lake Road?

MR. EDSALL: Jackson.

MR. ARGENIO: Is that right, Mark?

MR. EDSALL: Yes, the plans reflect what was agreed to in the field. My third bullet under comment 4 which was one of the recommended conditions of approval just does a slight rewording of the notes so that there's a little more field flexibility for the highway super but substantially the plans are exactly what we discussed in the field.

MR. ARGENIO: Okay.

MR. SCHOLLMAYER: No problem with that.

MR. ARGENIO: Does anybody have anything else, Howard, Neil, Henry?

MR. SCHLESINGER: I have a question. The issue, we issued negative dec in '04 prior to the additional lot line changes, now since that time there's been lot line changes, is it necessary to address that again?

MR. EDSALL: A good question. If the lot line change application was added into this, you could acknowledge that the application has changed slightly by the addition of the lot line change into the application but then just affirm your negative dec, say that it really didn't affect the decision you made, I would say the record should be clear that that's a very good

suggestion.

MR. ARGENIO: What was that?

MR. EDSALL: You're basically going to--

MR. SCHLESINGER: I said we issued negative dec on '04 prior to lot line change they've had a lot line change, is it necessary to address the negative dec?

MR. ARGENIO: Again, is that consequential enough?

MR. EDSALL: I think what you should do is acknowledge that there was this modification to provide good planning providing access to the back parcel but then just affirm that that slight change between preliminary and final doesn't affect your negative dec, your decision.

MR. ARGENIO: You've said it in the minutes. Does everybody agree with that?

MR. SCHLESINGER: As long as it's on the record, yeah.

MR. ARGENIO: I think it's good.

MR. SCHLESINGER: Only other issue I have is fire is okay?

MR. ARGENIO: Fire's okay.

MR. SCHLESINGER: With the single access?

MR. ARGENIO: Yes. One question that I have before we, looks as though we're going to close this out, there's a letter of September 30, 2005 and again this goes back to the flow of one administration to another, Mark, this is kind of directed at you, a letter dated September 30 of 2005 from Mr. Eckhardt, 430 Jackson Avenue and enunciates the concerns he has about the

entrance, Mark, have you, has this, I assume they have been addressed because of the comment I have about the arborvitae being squared away.

MR. EDSALL: I spoke with Mr. Eckhardt and his concerns seem to focus around the screening issue, he preferred that the plantings be on the Town right-of-way, I explained that they couldn't be on the Town right-of-way and I told him that the applicant as part of their application is offering to provide the screening, if he refuses to allow them to put it along the property line or on his property, there's not much either one of us can do about it.

MR. ARGENIO: Shooting himself in the foot at that point.

MR. EDSALL: We can't make him take the screening, I explained there's nothing in the Town Law that says you have to screen every Town road.

MR. ARGENIO: Understood, very good. That being said, if nobody has anything else.

MR. SCHLESINGER: Let's start with the catch basin.

MR. ARGENIO: There's two catch basins that the applicant, Mr. Sawyer, has agreed to install up near the cul-de-sac at the entrance to the cul-de-sac is to the suggestion of Anthony Fayo.

MR. SCHLESINGER: At the entrance to the cul-de-sac, what does that mean?

MR. ARGENIO: He will show you where on the plan.

MR. EDSALL: Those catch basins are on the plans, they have been added, the two have been added.

MR. SCHOLLMEYER: There's a drainage system going all

the way up the road, the additional catch basins were these two that Mr. Fayo's looking for to catch the water as it comes off the cul-de-sac, they have been experiencing some problems.

MR. SCHLESINGER: Where's the water going to exit?

MR. SCHOLLMAYER: It's collected in the drainage system, comes down here and is taken to a water quality basin.

MR. SCHLESINGER: I got it.

MR. MINUTA: How many catch basins are on the cul-de-sac total?

MR. SCHOLLMAYER: The pair right here, all total there's 18 catch basins.

MR. ARGENIO: That's a lot of drainage. Okay, if nobody has anything further, Mark, item number one, you have a note here conditional final approval.

MR. EDSALL: Yes.

MR. BABCOCK: Because of these conditions.

MR. EDSALL: You've got all the conditions.

MR. ARGENIO: Subject-tos.

MR. BABCOCK: Yes.

MR. ARGENIO: I'll accept a motion that we grant the Valley Fields Sawyer subdivision conditional final approval and I'll read the subject-tos into the minutes.

MR. SCHLESINGER: Jerry, what about waiving the additional public hearing?

MR. EDSALL: Yeah, you've got number 3 to do.

MR. ARGENIO: You're right. This is this new procedure we're going to have to go through gang. I'll accept a motion we waive the final public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the final public hearing on the Valley Fields subdivision on Jackson Avenue. If there's no further discussion from the board members I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: That being said, I'll accept a motion for conditional final approval subject to what I'll read into the minutes.

MR. VAN LEEUWEN: I will move it.

MR. SCHLESINGER: Secoond it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board offer conditional final approval to the Valley Fields Sawyer subdivision on Jackson Avenue. If there's no further discussion from the board subject to number 4 and Mark number 4 in Mark's comments and the 7 bullets in there:

That an appropriate signature be included in the files from Kroll, relative to the proposed lot line change.

That the arborvitae along the north side of the roadway (along the lands n/f Eckhardt) be relocated onto the Eckhardt property (these should not be within the Town right-of way).

The entrance detail should be revised to provide a minimum of 10 ft. rip-rap swale on each side of the roadway, note "...grade as directed by Town Highway Supt", and note "...rip-rap swale as deemed necessary by Town Highway Supt".

That the required drainage district is properly established by the Town Board and necessary documents of Offers of Dedication be approved by the attorney for the Town (by memo to the Planning Board) for all parcels and improvements related thereto.

That a performance guarantee for the public improvements (in form acceptable to the attorney for the town) be posted with the Town prior to stamp of approval.

That the Offers of Dedication for all roadways and easements be approved by the attorney for the Town by memorandum to the Planning Board.

That the applicant obtains a SPDES permit for construction related activities prior to start of construction work.

That all fees be paid prior to stamp of approval (inspection fees must be paid prior to start of any construction work).

If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE

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MR. ARGENIO

AYE

CUMBERLAND_FARMS_(05-25)

Richard Olsen, Esq. appeared before the board for this proposal.

MR. ARGENIO: This application proposes full demolition of the building and site and reconstruction of the facility with a 3,600 square foot convenient store with gas dispensers. Plan was previously reviewed at the 27 July, 2005 meeting and the 22 February, 2006 meeting. Go ahead.

MR. OLSEN: Mr. Chairman, my name is Richard Olsen, I'm with the law firm of McCabe & Mack, counsel for Mr. James Galesby (phonetic) with Bohler Engineering and Donovan Dervin (phonetic) is the area manager for Cumberland. What you have said is the, for the demolition of the existing Cumberland Farms store, construction of 3,600 square foot Cumberland Farms convenient store with the gas canopies, alteration of the curb cuts on Caesar's Lane. We're not touching the curb cuts on New York State Route 94. The last time we were here in February, I believe you closed the public hearing, we were awaiting county comments that had not arrived so no decision was made at that time. We were directed to answer the issues that were raised in Mr. Edsall's February 22, 2006 letter which I believe the engineers have now resolved. The only other comment that I recall from my notes that evening were one planning board member did want us to extend the facade of the building around the dumpster enclosure which has been included in the plans that you have. With that said, I believe we have addressed the comments that the board raised at this point and we look for anything else that you need at this time.

MR. ARGENIO: South side of the building I don't remember what it was, do you see that that has been addressed?

MR. OLSEN: I believe that was the extension of the facade to match the building which is what we have done, it's noted on the plan we have extended the brick brick facing around the enclosure.

MR. MINUTA: And the gas utilities, pumping tanks?

MR. OLSEN: That's to be left to your fire department or fire official.

MR. ARGENIO: I think he's right, Joe, on the other utilities, we better let the fire department determine that.

MR. MINUTA: Do we have comments on that?

MR. OLSEN: As far as I know.

MR. ARGENIO: We have approval from fire. Mark, I don't have an approval from highway on this, can you help me with that?

MR. EDSALL: Yeah, there was an open issue on our end for storm water management and the concern from the highway super as to the function of that water quality and structure down here Caesar's Lane that was resolved as late as today I spoke with the highway super as to what progress we made, I'm suggesting that be a condition of approval but as of this afternoon, he said he understood where we're at and understands the limitations of the area, that there's really no drainage to tie into, that they're improving the situation, it may have not been perfect but they're improving it from what it is today and they're addressing the increase in impervious areas so he was okay.

MR. ARGENIO: What does Anthony want them to do?

MR. EDSALL: He wanted it to be looked into further and

it was and today when I explained how it was resolved he was okay with it.

MR. ARGENIO: How did they resolve, I'm curious?

MR. EDSALL: There was, well, they can probably discuss better what they worked out with Brendan but effectively there's no water quality improvements on the site now, they have continued to propose water quality improvements and they're going to try to mirror the sheet discharge back into a wooded area to dispose of a balance, a portion of the flow as it's handled.

MR. ARGENIO: That's the back of the site?

MR. OLSEN: Right, I believe the issue was a technical issue between our engineering staff and Mr. Edsall's engineering staff, I believe they have come to a resolution of the issue.

MR. ARGENIO: I'd like to hear from the engineer.

MR. GALESBY: One of other concerns was to address some larger storm events and when we examined some of the larger 50 year and 100 year storm events we found that we could improve the site even more and improve any potential for off-site discharge by increasing our subsurface detention and infiltration system, so we pretty much have tripled the capacity and infiltration capabilities of the subsurface system and they were satisfied with that.

MR. EDSALL: Currently there's no system whatsoever.

MR. GALESBY: Right, just sheet rolls.

MR. ARGENIO: Using catch basins with holes in the bottom of them.

MR. GALESBY: We're using dry wells and perforated pipe

and stone trench.

MR. ARGENIO: Okay, I think that's okay. As the former chairman had always enunciated there's an issue with, maintenance issue on these things, but I don't think that that's something we're going to certainly not going to resolve here tonight. Lead agency was taken and negative dec was adopted on February 22 of '06. Public hearing for the special permit and site plan was held also on 2/22 of '06 and we have heard back for the benefit of the members from the Orange County Planning Department, they have deemed that this site is a local determination, that was on 3/14 of '06, as I mentioned to Mr. Minuta, we have fire on 2/9 of '06, we have, we don't have highway approval, but what we do have some good feedback from their engineer that is in line with what Mark told us, so it seems as though those folks are moving in the right direction and Anthony's on board with that, Mark, is that right?

MR. EDSALL: Yes.

MR. ARGENIO: That's good, we're going to talk about something else here about these special permits for the benefit of the board members, I'm going to read Mark's number 3, prior to considering special permit approval the board should make the following determinations with regard to this application with the understanding that this is an existing use which is proposed for expansion and has been considered by the ZBA and has received the necessary variance in that regard. What this relates to is the following bullets.

That all the proposed structures, equipment or materials are readily accessible for fire and police protection.

That the proposed use and layout are in harmony with the orderly development of the zoning district and will not have a detrimental affect on adjacent properties.

That the proposed use is adjacent to a

residential district and in the review of the same the board has determined that the nature and intensity of the operations, layout and structure heights, and landscaping will not be hazardous, inconvenient nor conflict with the normal traffic of the neighborhood nor will the project hinder or discourage appropriate development and use of adjacent land and buildings.

This is a note that we're going to see as a standard note on our comments moving forward and it's specifically relative to the issuance of special use permits. Mark, can you just shed a little bit of light on that for the benefit of the public and the board members?

MR. EDSALL: Yes, again, as part of the update of the Town Code, one of the refinements was the process of special permits and it specifically says that the board needs to make a determination before you grant the special permit. So again to make sure that we protect the Town, protect the applicants' interests and make the record clear we're going to look to have this determination made prior to you actually granting the special permit.

MR. ARGENIO: Essentially, it's that the proposed improvements are safe and they are harmonious and consistent with the development of that area of that zone.

MR. EDSALL: Exactly, in this case, you've got a little bit of a different situation, it's already there, they're just rebuilding it and it's actually being improved.

MR. ARGENIO: And there may be other applicants in the future applying for a special permit where there may be a little discussion where there may be some heavy lifting where we have to look and make a determination whether or not the development is harmonious and consistent with the zoning regulations of the Town so

do we need to affirmatively acknowledge that Mark in the form of a motion?

MR. EDSALL: I think you should adopt a motion making this determination.

MR. ARGENIO: I read the determination into the minutes, if somebody agrees with me, I'll accept a motion that we adopt that.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board, let me just back up for one second, motion has been made and seconded that we adopt, that we as Planning Board agree that the development proposed by the applicant is orderly, harmonious and consistent with the use of that site. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: That being said, I will adopt a motion to, that the planning board grant Cumberland Farms site plan amendment special use permit that's necessary for them to do the improvements as proposed on this site.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we, the Planning Board of the Town of New Windsor grant Cumberland Farms a special use permit for the improvements on New York State Route 94 and Caesar's Lane. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We're at the precipice, does anybody have anything further they'd like to address?

MR. SCHLESINGER: New curb cut, highway locate that on Ceasar's okay with that on Caesar's Lane?

MR. ARGENIO: Yes.

MR. EDSALL: It's an improvement, gets it away from the intersection.

MR. ARGENIO: That's the entrance that's now current just it's open, it's just wide open.

MR. OLSEN: It was your engineer that suggested that they move it back.

MR. BABCOCK: One of the subject-tos is going to be a write-off by the highway superintendent for drainage.

MR. ARGENIO: Which is not contained in Mark's item number 4.

MR. EDSALL: First bullet but I'm sure he's going to cause I've already talked to him.

MR. ARGENIO: Okay.

MR. MINUTA: Couple clarifications. We're not, I don't see it on the landscaping plan, I do see it on your colored plan here, these areas within the concrete curb cuts they're going to be grassed areas?

MR. GALESBY: That's correct.

MR. MINUTA: The propane tanks indicate that they're to be sized by the architects, I'd like to know if they're within the approximate size now we're not going to see something gigantic?

MR. GALESBY: No, absolutely not.

MR. MINUTA: And the fencing shown on the landscaping plan, I note that it does not continue all the way up to the intersection or I should say New York State Route 94, I believe it currently does.

MR. OLSEN: No, during the public this was specifically set forth at the zoning board hearing next door neighbor wanted the fencing subject to planning board approval basically to come up into this area somewhere so I think where we have placed the fence was in agreement with what the next door neighbor wanted.

MR. MINUTA: Very well. The last part of that is I'm in full concurrence of the type of fence being used being the stockade fence, I would like to add that there be something placed on this for maintenance that it be continually maintained that it's something that could be--

MR. OLSEN: Add a note that it's their responsibility to maintain and repair fencing?

MR. MINUTA: Exactly.

MR. ARGENIO: That's our architect, it's perfect.

MR. EDSALL: Just on the propane tank issue just my second bullet is asking that they specifically indicate that the propane tanks have to be specifically approved by the fire inspector, I'm not quite sure that they approved any specific size and the way the code is and the separation requirements based on the size of the tank I want to have them specifically look at the size before they're put in.

MR. ARGENIO: Fire inspector.

MR. EDSALL: Correct, so that's my second bullet, I was writing the line while Joe was mentioning.

MR. ARGENIO: See that Joe the second bullet on number 4, so if they show up with, I don't know the scale of propane tanks, 10,000 gallon propane tank certainly it's going to be an issue, certainly that's a very, very good point. Neil, Howard, Henry?

MR. VAN LEEUWEN: I have nothing further.

MR. ARGENIO: That being said, I will accept a motion for conditional final approval subject to what I will read into the minutes.

MR. VAN LEEUWEN: I will move.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Cumberland Farms site plan amendment subject to final approval from Mr. Fayo, our esteemed highway superintendent, the Town fire inspector approving those propane tanks, final revisions to the storm water management plan as outlined by the Town engineer that the noting on the plans about the fence as Joe had

requested the applicant agrees to make necessary modifications or this is important that the applicant agrees to make any necessary modifications or adjustments to the site lighting if the improvement shown here on should the lighting result in a glare condition in the opinion of the Town engineer which impacts the residential units to the south or the state highway. Are you guys okay with that? Mr. Engineer? Mr. Attorney?

MR. OLSEN: Will it be the Town engineer?

MR. ARGENIO: Town engineer.

MR. EDSALL: It won't be an approval process, the problem is normally we get recessed fixtures, in this case, all the fixtures are not recessed, so if we see a problem out in the field you're going to have to adjust things.

MR. ARGENIO: That's those two guys that's the table right there.

MR. EDSALL: Some of them are directional lighting so as long as it doesn't create a problem there's no issue.

MR. OLSEN: Okay.

MR. ARGENIO: Drawings 13 through 16 have not been reviewed as part of the site plan amendment and are for reference certainly only subject to regulatory review, the applicant should be directed to complete the corrections noted at this meeting and prepare the bond estimate and that obviously most importantly that all fees be paid. All that being said, I have a motion and I have a second and I also have a member who has one final question.

MR. MINUTA: My final question is with regard to the

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curb cuts and looking at the curb cut on Route 94 near Caesar's Lane and it's showing slanted in one direction and I'm wondering is this a one way?

MR. BABCOCK: No.

MR. GALESBY: No, those are the existing curb cuts.

MR. OLSEN: We're not touching Route 94.

MR. MINUTA: Mark, is there an issue with that as far as ingress egress?

MR. EDSALL: I suspect that it is set up more for a right-in, right-out arrangement, that's the way DOT wanted them constructed, I didn't mess with it, leaving it as is.

MR. MINUTA: Okay with DOT, it's okay with me.

MR. ARGENIO: Motion has been made and seconded, I will read in the subject-tos, if there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

VAN_LEEUWEN_SUBDIVISION_&_LOT_LINE_CHANGE_(05-03)

MR. ARGENIO: Somebody here to represent this and I hope it's not you, Mr. Van Leeuwen.

MR. VAN LEEUWEN: No, it isn't me.

MR. ARGENIO: I'm calling Danny up for this application because Henry's going to step down, let the minutes reflect that Mr. Van Leeuwen stepped down from the dais for this application and Danny Gallagher's replaced him. This application proposes a 3 lot minor subdivision of lot 107 with a private road for two lots with the last lot having direct access to Toleman Road. The application was previously reviewed at the 26 January, 2005 meeting, 23 February, 2005 planning board meeting. Sir, your name for the record, please?

MR. WOODRUFF: My name is Keith Woodruff from Petryzak & Pfau representing Mr. Van Leeuwen for the 3 lot subdivision. We addressed the comment letter from McGoey, Hauser and Edsall which required a number of details to be added for the private road easement and the access for lot 2, the removal of the bridge on to the private road with a placement of a 36 inch culvert and I think that was it.

MR. VAN LEEUWEN: I've been at this for 2 1/2 years.

MR. ARGENIO: With regard to the procedural status of the application, I'm going to read into the minutes lead agency was taken for SEQRA on January 26 of 2005, the planning board on 1/26 of '05 waived the public hearing for this, that's a year ago cause we determined that at that time it was minor in nature and Mark has it changed substantially from that time?

MR. EDSALL: No, the concept is the same, we are just kind of cleaning up the zoning compliance, I'll put it that way.

MR. ARGENIO: I have a comment here from fire, Mark, need to have separate driveways for each dwelling?

MR. EDSALL: Yeah, that was before the private road was part of the plans, it's changed a couple times.

MS. MASON: Then I have nothing new.

MR. ARGENIO: So that's old.

MS. MASON: I have nothing new from the new plan.

MR. ARGENIO: When did we get the new plan, Mark?

MR. VAN LEEUWEN: About a month ago I brought it into Mark.

MS. MASON: No, it came to me way after that.

MR. VAN LEEUWEN: This plan?

MS. MASON: Yeah.

MR. WOODRUFF: Last revision date is 8/12.

MR. ARGENIO: Planning board may wish to classify this action as an unlisted action under SEQRA, consider a negative dec of environmental significance based on the information presented, unless anybody disagrees, I'll accept a motion to that effect.

MR. SCHLESINGER: Say that again.

MR. ARGENIO: Planning board negative dec, Neil.

MR. SCHLESINGER: Okay, motion.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the planning board declare a negative dec on the Van Leeuwen minor subdivision on Toleman Road. If there's no further discussion from the board members, I will have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. GALLAGHER	AYE

MR. ARGENIO: Mark, it's not subject to review of the Planning Department because?

MR. EDSALL: Well, I don't believe it's within 500 foot of any trigger, meaning the county road, state road, Town municipal boundary, so unless the reason I'm posing the question is as to whether or not the applicant can verify that they're not in an agricultural district or if they are.

MR. VAN LEEUWEN: No, not even near it.

MR. EDSALL: So that would be the only thing that could trigger it.

MR. ARGENIO: Can you verify that for us, sir?

MR. WOODRUFF: Yes, I can show it on the location plan at a later date if that's what your--but it's not in the district.

MR. EDSALL: We don't need anything on the plan, just needed it verified.

MR. ARGENIO: Okay. The applicant should determine if the area of disturbance in acres related to the project

such that a determination can be made as to the submittal requirements of the storm water pollution prevention regulations, what's your disturbance of wetlands?

MR. WOODRUFF: I believe it's under 500 square feet, I don't know the exact number.

MR. ARGENIO: What's the threshold?

MR. EDSALL: I'm looking for just disturbance, not necessarily wetlands.

MR. ARGENIO: Looking for area.

MR. EDSALL: To see if it's acreage wise whether or not it would require a SWPPP or if it can just have a storm water erosion plan.

MR. ARGENIO: Mark, help me with that SWPPP, what's the threshold?

MR. EDSALL: I believe it's five acres for a residential.

MR. ARGENIO: Five acres in the aggregate and that triggers the need for a SWPPP?

MR. EDSALL: Yes.

MR. ARGENIO: Do you think this is over five acres?

MR. EDSALL: No, we have to get on the record one or two things have to be submitted if it doesn't meet the threshold they have to make sure the plans include soil erosion, if it meets the threshold, they have to prepare the SWPPP, they're the ones that have to tell us what the disturbance is.

MR. WOODRUFF: I can find that out, yes.

MR. ARGENIO: Share that with him.

MR. WOODRUFF: Yes.

MR. ARGENIO: The applicant will be required to submit a private road completion bond per the requirements, the applicant should submit a draft copy of the maintenance declaration to Mr. Krieger, I just don't think there's a lot going on here. I'm going to move to the final public hearing, we waived the other public hearing and this is in the middle of a field out there, does anybody, can I have some input from anybody on the final public hearing?

MR. SCHLESINGER: I don't see the necessity for it.

MR. ARGENIO: I don't see it either, I mean, Joe?

MR. MINUTA: No.

MR. BROWN: No different, there's nobody around there.

MR. ARGENIO: It's pretty--

MR. SCHLESINGER: Make a motion to waive the final public hearing for the Van Leeuwen minor subdivision.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the final public hearing for the Van Leeuwen minor subdivision on Toleman Road. No other discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE

MR. ARGENIO AYE
MR. GALLAGHER AYE

MR. ARGENIO: I'm going to, you know, this is obviously it's open up to the board for anybody who has comment during this whole oration I've had over the past ten minutes, does anybody see anything going on here, I mean, is there any--Neil, Howard, Joe, Danny?

MR. GALLAGHER: Nothing.

MR. ARGENIO: Mark, am I missing anything?

MR. EDSALL: No, not much to it.

MR. ARGENIO: Okay, that being said, need to get fire approval squared away, the 911 and such. What about Anthony Fayo, Mark?

MR. EDSALL: There's not a current approval on file?

MS. MASON: No.

MR. EDSALL: Again, I don't believe there's any issues, I've talked to him about it, I'm sure he will, but make it a subject to, make sure there's something on record.

MR. ARGENIO: We did the negative dec.

MR. EDSALL: Keep in mind we have changed highway superintendents, the former one had no problem with that but we should really get a new write-off.

MR. ARGENIO: Right, I understand that. Okay, I will read the subject-tos in if nobody has anything I'll accept a motion for final.

MR. SCHLESINGER: I'll make a motion for final approval for the Van Leeuwen minor subdivision on Tolman Road.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Van Leeuwen minor subdivision on Toleman Road subject to verifying to Mark Edsall or to his satisfaction that there's nothing that will trigger Orange County Planning Department review, subject to you verifying the area of disturbance on the project, Mark, fees under the SWPPP threshold?

MR. EDSALL: I don't think they need to be conditions of approval, just that they acknowledge that they, neither of those two situations exist.

MR. ARGENIO: Okay, subject to private road completion bond getting squared away with Mark Edsall and that bond being posted, and you need to get a private road maintenance declaration to Mr. Krieger in acceptable form, acceptable to him and copy for the file to Myra and obviously, we discussed highway approval from Anthony Fayo which I don't see as a big issue. That being said, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. GALLAGHER	AYE

PIARIA_SITE_PLAN_(05-27)

Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: Application proposes construction of a 9,800 square foot structure on Silver Stream Road with 5,180 square foot canopy. Plan was previously reviewed at the 28 September, 2005, 14 December, 2005 planning board meetings. Mr. Shaw is here to represent this, go ahead.

MR. SHAW: Thank you. Board has seen this many times. I'll just give you a real brief overview. It's on Silver Stream Road, it's on a 4.3 acre parcel of which they're going to be disturbing 2.5 acres. There will be one access off Silver Stream Road. The property will be serviced by Town water and Town sewer system and with respect to the storm drainage, we're disturbing over one acre, therefore, we have incorporated into the design of the site a detention pond to detain peak flows and a sand filter to filter the storm water and improve its quality. The last time we were before this board was in December where we had a public hearing on the special permit. We closed the public hearing that night, I believe the board had declared lead agency in September in 2005. So hopefully we're here tonight just to rap up some clean-up items. When we left the board the last time the board wanted us to submit a long environmental assessment form which we did, you wanted the county to review the drawing which it did, the highway superintendent also the new highway superintendent which I believe that's been done, the board also wanted a fence on top of the masonry retaining wall, this portion of the site which protects seven parking spaces.

MR. ARGENIO: What kind of fence did you propose there?

MR. SHAW: A 36 inch high split rail fence with wood split rail fence. And then finally the board and also the board wanted the hours of operation indicated on the plan which is Monday through Saturday 8 to 5 and finally the board wanted the submission of a SWPPP which we have submitted to the board, in fact, your consultant reviewed it and found it to be in conformance with the SPDES discharge regulations. So I believe we have everything in order. What we're asking for tonight is a special permit being in the PI zone and also for site plan approval, I believe all outstanding items have been taken care of.

MR. ARGENIO: One thing Mark you have B-3 here special use permit, B-3 manufacturing with storage, explain to me how the B-3 that's a subsection of the PI zone?

MR. BABCOCK: In the bulk tables it's column B, item 3.

MR. EDSALL: The special permit.

MR. ARGENIO: And the B triggers the special permit?

MR. EDSALL: That's the column.

MR. ARGENIO: Did I interrupt you, Greg?

MR. SHAW: I'm done.

MR. ARGENIO: Procedurally we have highway on this application, folks, planning board members, we have fire, they had some comments but they have been worked out, some accessibility issues, they have been worked out, we took lead agency under SEQRA on 9/8 of '05, public hearing was held and closed on 12/14/05, we had some people here for that public hearing, Orange County Planning Department has returned to us and told us it's local determination, Edsall's office has reviewed and accepted the SWPPP which is storm water pollution protection plan, Greg, as I remember it, wasn't there

an issue of the grades, we may have resolved this?

MR. SHAW: We did.

MR. ARGENIO: Issue with the steepness of the grades coming up the driveway.

MR. SHAW: You brought it up at the first meeting and you reminded us at the second meeting it was resolved for the second meeting so that's history.

MR. ARGENIO: Your fence above the wall, I think you need to include a note on the plan that that split rail fence should be running with some kind of chain link fence, some green or black vinyl or something.

MR. SHAW: If you bear with me, let me look at the plan, I believe the plan calls for chicken wire.

MR. ARGENIO: You didn't say it on there.

MR. SHAW: Yes.

MR. ARGENIO: I asked you what kind of fence, you said split rail and you have on there that it's running with black vinyl chain link so that's, so we have covered that.

MR. SCHLESINGER: Greg, refresh my memory, what's the nature of the operation?

MR. SHAW: Steel fabricating facility, it's going to have a structure totaling 9,800 square feet for the fabrication of steel with a 500 square foot office and attached to it is going to be a 5,200 square foot truck canopy, no side walls, just a canopy then to park the trucks, keep them out of inclement weather when they bring the steel, bring it through the building, leave it under the canopy area and take it off as needed.

MR. SCHLESINGER: Six day a week operation?

MR. SHAW: Yes.

MR. ARGENIO: How many hours a day?

MR. SHAW: Eight to five.

MR. ARGENIO: What do they make in there?

MR. SHAW: They fabricate steel.

MR. ARGENIO: Orange County Choppers?

MR. SHAW: For buildings.

MR. ARGENIO: Butler buildings, things of that nature?

MR. SHAW: Yes.

MR. SCHLESINGER: Was there an issue of trucks coming in and out, something like that at the public hearing?

MR. GALLAGHER: That was a concern at the public hearing.

MR. SHAW: Trucks.

MR. MINUTA: The length of the truck we're looking at 44 foot long as far as steel members being shipped?

MR. SHAW: This is Ioannis Kosmidis, he's the applicant and going to be operating the facility, I asked him the length, he's saying 40 feet maximum.

MR. MINUTA: My question with that is with regard to the access, first of all, I don't have a full understanding of the circulation on the site and getting a 44 foot tractor trailer on this site and how it's going to, what, how the canopy works with

relationship to that, that's item number one. Item number two is we're at the overpass of interstate, of the Thruway that's so congested at that point having tractor trailers of that size moving in and out of there is going to be a real issue and that was definitely raised by the community at the last meeting. So those are my two issues and if they can be, equity be applied, resolved, that's fine, but I don't know how that's been resolved.

MR. SHAW: Well, let's talk about 207, one of the major corridors in the Town of New Windsor Planning Board, all traffic heading west, many, many tractor trailers go through that area, okay, the fact that there may be and again I believe according to the EAF there's two truck deliveries that will come a day that will go through that intersection, that pales in comparison to the number that goes through now and the size of the tractor trailers that go through now so I can't believe that that has any impact on that intersection.

MR. MINUTA: Is that into that road, however, the trucks may be going by, you have a lineal path that's straight, when you're making a turn onto the road here which is Silver Stream Road just passed that intersection we're all very familiar with that, I really see traffic problems at that location.

MR. SHAW: Well, if it's problems getting out of Silver Stream Road, that's going to be my client's problem and he can't correct that, the fact that you, that 207 is a very heavily traveled highway and there's no way to correct it and if my client feels that it's worth the investment in this property and that that's not a problem for him, I don't see why that would be a problem for the Town.

MR. MINUTA: I think it's been raised as a problem from the community for that area.

MR. SHAW: I don't see, are you talking about leaving Silver Stream Road onto 207?

MR. MINUTA: Leaving Silver Stream onto 207.

MR. SHAW: It's no different than any other vehicle, you have to sit there, wait for an opportunity to pull out and then you make a left or a right, it's no more difficult for a 40 foot truck than it is for an 18 foot car.

MR. MINUTA: I would beg to differ on that one.

MR. SCHLESINGER: I think that the issue also is that it's a congested area sometimes during the day.

MR. MINUTA: Extremely.

MR. SCHLESINGER: I don't think the issue is so much the size of the vehicles, you know, it's a, it's become a very tough area.

MR. MINUTA: Only because of its location at this corridor passed the overpass it's so close, I mean, really it's, you know, if were looking at any other thing we'd be looking at 40 foot clearance and being able to see there that's an issue for me from a large trailer trying to negotiate that turn out as well as turning in, I just, I accept the tractor trailers go by there going to Metal Container and National Freight trucks that go by, it's a problem at that intersection.

MR. ARGENIO: There's some heavy industry on that road, the Alco, the hydraulic people there are on the corner.

MR. MINUTA: Are they shipping in steel with 40 foot trucks?

MR. SHAW: We're two trucks maximum a day, that's a small facility, it's 10,000 square feet, this is not a

30,000 square foot steel fabricating mill.

MR. ARGENIO: Certainly that's a good point, Mr. Shaw.

MR. SHAW: It's really just a, just a very small operation for a steel fabricating facility and I know your point about Route 207, the only answer is nothing gets built in that area of the Town until that does get corrected, all right, and I just don't see where that's fair to my applicant to preclude him from development because of existing congestion on 207.

MR. ARGENIO: Neil?

MR. SCHLESINGER: Yeah, I agree with Greg's point and I don't see that getting cleared up basically in probably our lifetime that intersection.

MR. ARGENIO: Well, you're a lot older than me, Neil, hopefully in my lifetime.

MR. SCHLESINGER: Thank you. And, you know, it's not a big operation and I think it's hard to prejudice the applicant.

MR. ARGENIO: It is difficult to do, I think that Joe certainly very eloquently brings up a very, very big concern and I think that concern applies to every lot in that corridor until you get to maybe Kings Road, not even Kings Road, Bethlehem Road whatever that road is just passed Larkin's office on the left there, Mt. Airy Road, Myra corrected me, I think it's a good point but as you said and Neil pointed it out is you're talking about two trucks a day.

MR. SHAW: And the other thing is that it's zoned planned industrial, we cannot build a house there if we wanted to, okay, it's not permitted and it's industrial and you have to pick out a permitted use or a use that has a special permit within that zone. Our hands are

tied and if you're going to put an industrial use in the chances are you're going to have a truck with it, I just think this is a very light use of the property as opposed to what could be there.

MR. MINUTA: That has been recently changed to a PI zone.

MR. BABCOCK: No, it's always been PI, even those houses.

MR. ARGENIO: The line is about up Silver Stream Road.

MR. BABCOCK: The other side is also commercial, you know, it's AP and part of the NC, the houses that are there are non-conforming, they have been there for a million years, the people that are coming in of course live there, I'm sure that in time there will be nobody living on that road.

MR. ARGENIO: Unfortunately, Joe, somebody has to live on the zone line going from zone to zone in the Town.

MR. MINUTA: No issue there, I think I've raised my concerns and that's, I don't have any anything else to say about this.

MR. ARGENIO: Okay, I think what you bring up is a very valid concern. Neil, did you have anything?

MR. SCHLESINGER: I agree with Joe, I think it is what it is.

MR. SHAW: I wish 207 was a six lane highway.

MR. SCHLESINGER: It should be but it's not going to happen.

MR. ARGENIO: We heard from at the public hearing we heard from the public, I'm not going to say they were

up in arms but there was as I remember three or four people here who spoke, is that right, Mike?

MR. BABCOCK: Yes.

MR. ARGENIO: Certainly everybody had a similar concern, actually not so much traffic, Joe, but it was more that they didn't want that use in their neighborhood, that was a big concern, couple of people may have mentioned traffic but they didn't want that use in their neighborhood but as Mike pointed out it's not even a residential zone.

MR. SCHLESINGER: It is what it is.

MR. ARGENIO: The residences there predate the zoning and I think that Mike, correct me if I'm wrong with this statement, the zoning in that area more favors a light industrial development or the concept of light industrial development than it does residential homes.

MR. BABCOCK: Oh, absolutely, it's even heavy industrial.

MR. EDSALL: OLI is light industrial, this is actually again people like us with blacktop plants and things of that nature.

MR. BABCOCK: I've had a few of the people that came to the public hearing, come to my office and look at the plans and look at the zoning maps and I pointed it out to them and I think they clearly understand that their house is in a PI zone and I think they realize that maybe their property's even more valuable today because they're in that PI zone and the concern with the construction of the road they were concerned that the road wouldn't handle the trucks, that's clearly up to the highway superintendent which is--

MR. ARGENIO: Same as Ruscitti Road down near us.

MR. BABCOCK: The intersection is busy to come out of there and make a left-hand turn with a 40 foot truck is probably not going to happen but that's their problem.

MR. EDSALL: At least not during peak periods.

MR. BABCOCK: Hopefully if the interchange gets built from 84 it's going to alleviate some of that problem.

MR. ARGENIO: Let me put you on the spot a little bit, Mark, how do I in good conscience state in the meeting in the meeting minutes that the proposed use and layout are in harmony with the orderly development of the zoning district and will not have a detrimental affect on adjacent properties? Now before you answer that, let me say something. Do I understand what Mike says about the legality of the homes predating the zoning, I understand that and the fact that this use is more in conformance with the spirit of the current zoning than the residential houses, I understand and recognize that, what else can you add to that?

MR. EDSALL: I think what you said is the key element of the basis of making that determination when the Town Board and it's not like it's a recent rezoning, when the Town Board established this as a PI zone they established the goals of what would be developed and what this area of the Town will be used for, so it doesn't say here is it in harmony with pre-existing non-conforming uses, is it in harmony with orderly development of the zoning district. Well, this is what the development is supposed to be according to a town board, I don't know which one when they established this as PI, the orderly development will be this becoming wholly a PI zone and the non-conforming uses the residences will eventually go away and you won't have that residential industrial conflict. But again as all of you said the residential are the non-conforming, it's not this applicant, it's

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unfortunate it's a time of transition that's what we're running into.

MR. ARGENIO: I think I can live with that. I think that's reasonable and that's--

MR. EDSALL: Mr. Shaw made a very good point if the intent was to have harmony and he said fine, we'll build a house there, you'd deny him cause you can't build it doesn't, meet the zoning so there's your answer.

MR. ARGENIO: But I, by that it's a good point that that's the spirit and planning board is a quasi administrative body and that's what we're doing, I mean, the zoning is what it is and that's what you have to do, while I'm sensitive to Joe Minuta's comment and I think that certainly we're much better off having a facility there that has a couple of trucks a day rather than 20 trucks a day for freight or some other thing maybe somebody like that wouldn't be inclined to go there because of the traffic, certainly we're better off with a couple of loads a day rather than somebody proposing something substantively more than that.

MR. VAN LEEUWEN: The Town owns quite a bit of property back there, you've seen that?

MR. ARGENIO: Yes.

MR. VAN LEEUWEN: Along the road, okay, they own quite a bit of property, it's right up to that building that's there.

MR. MINUTA: The second part of my question which was the circulation of traffic on the site and the truck canopy, I'd like a little better understanding on what the intent of the truck canopy being in the back and appears to be the only way this can be accessed is through the building.

MR. SHAW: I explained that at the last meeting but it's worth going over again, this is my client's preference, okay, it's his money, but his thoughts are if he's going to need a place to store the trucks, he'd rather store them under an enclosure and the only place that makes sense is at this end of the building so what would happen is that a truck would pull into the site, back in through the building, again, the steel fabricating facility is all computerized, this will be a travel lane, not a fabricating lane, this is a lane where the steel will be loaded and unloaded back on the truck, but the truck would pull in and be stored under the truck canopy, the steel would be pulled off in the building, steel unloaded, truck brought to the rear of the canopy, then when it comes time to put the steel back on the truck again the truck would move into the building, they would put the steel back on the truck and he would leave the site. It's just a place to store the trucks under an enclosure.

MR. SCHLESINGER: The issue is, you know, the actual mobility of the trucks turning and, you know, but, you know, that's up, he runs his business the way he wants to, I can't hold him to that, it's just not the prettiest picture but that's the way he wants to operate his business.

MR. VAN LEEUWEN: Truck and trailer he's using?

MR. KOSMIDIS: Straight trucks, 20 feet flatbeds sometimes deliveries come with 40 feet trailers, sometimes.

MR. VAN LEEUWEN: That's the reason I ask that question.

MR. KOSMIDIS: Maybe two trailers a week.

MR. ARGENIO: I'm going to start going through some

procedural things, certainly if somebody thinks of anything they want to talk about we'll have this opportunity again, Mark, can you elaborate on item number 3?

MR. EDSALL: Yes, at this point, you have only taken lead agency but you have not closed out SEQRA, so I would suggest that you classify this as unlisted and if all your issues are resolved so you're satisfied, adopt a negative dec.

(Whereupon, Mr. Van Leeuwen stepped down from the board.)

MR. ARGENIO: So we assume lead agency, we didn't declare a negative dec, okay, unless anybody disagrees I'll accept a motion that the Town of New Windsor Planning Board declare negative dec under the SEQRA process for the Piaria site plan.

MR. SCHLESINGER: Motion.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under Piaria site plan on Silver Stream Road. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	NO
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We have to consider the issuance of the special permit on this application, number one, we have to agree that all proposed structures, equipment and

materials are readily accessible for fire and police protection and that the layout and development of this site is orderly and in conformance with that which is intended in the zoning district. I think I'm going to look for that in the form of a motion that somebody agrees to accept what I just stated for the minutes.

MR. SCHLESINGER: I have a question on that, that the proposed structures, equipment or materials are readily accessible for fire and police protection?

MR. ARGENIO: Right.

MR. SCHLESINGER: I'd like to hear it from the fire department, you know, how they feel about it.

MR. ARGENIO: I cannot tell you that fire inspector accepts the site.

MR. SCHLESINGER: He accepted the layout, the plan.

MR. ARGENIO: Yes, he had some comment, I'll read it to you, Neil, insufficient fire department accessibility, I should of mentioned this before, the entire building as previously noted on 8/26 plan review as of 12/14 of '05, the issue was resolved with the fire inspector. Myra, do you have anything else on that?

MS. MASON: No.

MR. ARGENIO: That's pretty clear.

MR. MINUTA: What were the items of resolution?

MR. SHAW: I can speak to that. I personally met with John McDonald, what he wanted was access paved area behind this building 20 feet wide and he also wanted us to provide some passage doors on the building so not only can his equipment get in but the men can get into the building and that was really the one and only

change.

MR. ARGENIO: And you have accomplished that for him and he's acknowledged that in the agency approvals.

MR. SCHLESINGER: Not to put this off but, you know, you have a private road with a cul-de-sac, fire engine's got to be able to make complete turn in the cul-de-sac, can't do it in this building but, you know, if he's giving the approval, I mean, he's smarter than I am.

MR. ARGENIO: Relative to fire, Neil, he's looked at this and he feels that the pavement there is of sufficient turning radius for him.

MR. SCHLESINGER: Asked for access to the building and access to the back part and he's happy with it.

MR. SHAW: Yes.

MR. SCHLESINGER: He's the expert.

MR. ARGENIO: That's what we look to do typically.

MR. SCHLESINGER: I'm not the fire inspector.

MR. ARGENIO: We look to Mark for expertise in the engineering, we look for the highway and fire for expertise in their venue, administrative.

MR. SCHLESINGER: It's in the record, fine.

MR. ARGENIO: I made a statement about the special use permit approval.

MR. SCHLESINGER: You want a motion?

MR. ARGENIO: Yes and a second if somebody would.

MR. SCHLESINGER: That we give special use permit approval.

MR. ARGENIO: That we accept, we're going to do the statement first and the statement is that the proposed structures, equipment or material are readily accessible for fire and police protection and that the proposed use and layout are in harmony with the orderly development of the zoning district and will not have a detrimental effect on the adjacent properties.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I will entertain a motion that we grant the special permit for the Piaria site plan.

MR. SCHLESINGER: Make a motion that we approve the special permit for the Piaria site plan.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we grant the special use permit for the Piaria site plan on Silver Stream Road. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. MINUTA NO
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: There's a couple of very minor plan issues which I will read in unless does somebody else have anything?

MR. MINUTA: I have nothing further.

MR. GALLAGHER: Just real quick, lighting, is there lighting on the outside wall packs?

MR. SHAW: We have, there's a drawing included in the plan where we have the lighting design and foot candle values and there's no bleed over to the residential properties.

MR. GALLAGHER: Nothing else.

MR. ARGENIO: Mark, is there anything I'm missing here procedurally? There's a bit to go through here and we had quite an informative discussion on it.

MR. EDSALL: No, there's just the two minor corrections noted under comment 4 and then the, I have listed a couple of conditions on 6, that's it.

MR. ARGENIO: I will read the subject-tos if nobody has anything further, entertain a motion for final.

MR. SCHLESINGER: I'll make a motion for final approval of the Piaria site plan.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that

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the New Windsor Planning Board grant final approval to the Piaria Inc. site plan on Silver Stream Road subject to Mark's engineering comments and number 4 some striping issue and the project number on the boxes and subject to Mark's number 6 correction of plan noted by the engineer for the planning board are completed on the plan submitted for stamp for approval and the applicant submit a bond estimate and the planning board secretary be directed to return local action form for this approval to the Orange County Department of Planning and obviously last but not least all fees are paid. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	NO
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We're going to take a couple minutes, 1 1/2 minutes, maybe 3 on the outside.

(Whereupon, a brief recess was taken.)

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MC_&_B_PARTNERSHIP_(06-11)

Gregory Shaw from Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: Application is for development of the 10.4 acre parcel into five pads, individual lease parcels on the property, with a common commercial drive. The plan was reviewed on a concept, the plan is being reviewed on a concept basis. This is the lot over near Five Corners, this is, that's near Orange County Iron Works, is that right?

MR. SHAW: Yes, it butts up against the Price Chopper Shopping Center.

MR. ARGENIO: Guys, what this is, there's a bit going on here and keep an eye on Mr. Shaw's hands, he's very quick with them.

(Whereupon, Mr. Van Leeuwen returned to the board.)

MR. SHAW: Actually, this one I think could be very simple, it all depends on your point of view. We have a ten point something acre parcel of land that my client wants to develop, he's an end line user for what I'm calling leased parcel number one, he does not have anybody for the other remaining four other leased parcels, but in order to get the project before this board and really to address SEQRA and even to address the SWPPP what we thought would make the most sense is come in to this board and to review the infrastructure of the project and to review the SEQRA issues and the SWPPP because obviously this has to be designed for full buildout and to grant, okay, not only a negative dec for the concept plan, but also site plan for just parcel number one cause again my client has an end line user. Again, we prepared this plan showing the full build-out cause I think the board would have wanted to

see what this would look like and what we had envisioned, so rather than coming in to this board on a piecemeal basis such as this, just this build-and its parking, not knowing how the rest were going to work, this plan pretty much ties together how the site's going to be developed. We're going to be asking for a negative dec under SEQRA, we're going to be asking for site plan approval for leased parcel number one and that's all. When my clients have an end line user for any one of the other four remaining parcels we'd come back to this board with the new application and get site plan approval for each and every one of the four remaining parcels and they may be different than what's on this plan, such as on lease parcel number 3 we're showing a 10,000 square foot office building. Maybe it's not office, maybe it's retail, okay, it all depends who's going to move in there but again, you're going to have your second bite at the apple when we come in for site plan approval and you're going to look back at the record and say listen, we made an environmental determination under SEQRA based upon the impacts associated with this overall plan, has anything changed and if it has, you can open up SEQRA again to review this lot which is going to be before you or you may look at it and say nothing's changed since our determination, let's deal with site plan approval for this. So what we're asking for is approval for leased parcel number one, the common drive and the storm water detention facility, all right, because obviously in order to get the storm water from this leased parcel to the pond you're going to have to build this drive.

MR. ARGENIO: You're not looking for that tonight, are you?

MR. SHAW: No, I'm looking just to start the process tonight, what I'm really looking for is the board to circulate for lead agency, I don't know if you can send it out to the County without being lead agency, I hope you could to save a little bit of time and to just

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begin to the discussion process, it's not a subdivision, very simply, my client owns ten plus acres, he's going to build a drive down the middle of it and he's going to build out five sites and he's going to own all five sites, it's not a subdivision, it's one parcel and it will remain one parcel just with five buildings on it which will be leased out.

MR. ARGENIO: I've got a couple things I want to touch on and I'm going to say to the other board members we'll have certainly ample opportunity to review this, so let's not, let's not get, I don't want to get into too much of the specific nuts and bolts of it tonight, let's look at the overall piece and let me just ask a couple of things kind of sweeping questions, Greg, that I just want to scratch the surface on a little bit and get you thinking about it. One, we'll require all the common areas to be developed before you get any approval on anything.

MR. SHAW: Fair enough.

MR. ARGENIO: That's all the common areas.

MR. SHAW: The common areas being the drive and the storm water management facility?

MR. ARGENIO: We're also going to, correct, and we also are going to want to talk about the disposition of the four other parcels from the time you get approval on the first one whatever number that is till the time you get approval on the last one. So I don't know what we're going to be looking for exactly, I'm going to look for input from the other members, but I want to know what this thing is going to look like in the interceding time. Do you have an idea of the timeframe, two years out, five years out?

MR. SHAW: I would say five years out.

MR. ARGENIO: Your client certainly has every incentive to keep his development moving, he doesn't make any money having bare land.

MR. SHAW: And he owns it, he's got quite an investment in there and I'm sure he's going to look for every opportunity to find an end line user.

MR. ARGENIO: We're going to want to have a discussion at some point in time about the, when you look for approval on the first building we're going to want to talk about the final disposition of the road and I'm kind of on the fence on it right now, I want to think about it and I want to get some input from the other members on what they're looking for from the road. What do you have in mind? Let's assume the lot on the top right is the first one you're going to be looking for.

MR. SHAW: At minimum, my client has to build this common drive to this point, it really comes, and we have to fill this road to grade in order to get the utilities in the ground, specifically the drainage from this piece through the piping that's in the drive to the basin, all right, that's an absolute minimum. If the board says, you know what, I don't like that, I want that road extended farther down, well then we're going to have to extend it farther down and pick a point that keeps the board happy, I'm not sure what you get out of it but if you want it, you know, of course.

MR. ARGENIO: Your client will get the ability to market, it's always better to see things, but as I said before, I don't want to get too far into things but these are the things that I'm thinking about. I'm going to open it up to everybody, go ahead, somebody has something.

MR. VAN LEEUWEN: I've got a question for you, says here new bank number one, is that the one that he's

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going to build right away?

MR. SHAW: No, he's going to build the new retail building which is up in this corner.

MR. VAN LEEUWEN: But he's also got a tire store right here.

MR. SHAW: I had to pick a use, all right, my client has had preliminary conversations with a lot of potential tenants of this, does he have anyone signed up other than that, absolutely not, so we had to pick some uses to at least give this board a flavor as to what could be there and possibly maybe one of the people that he's talking to will end up there.

MR. VAN LEEUWEN: Okay.

MR. MINUTA: Is any of this property in the historical overlay?

MR. BABCOCK: Temple Hill Road is so I assume it is, we'll have to look at that.

MR. MINUTA: That's a question to be confirmed.

MR. GALLAGHER: Does it stop by the railroad tracks?

MR. BABCOCK: I don't know, I don't have the map.

MR. ARGENIO: Greg, you'll check on that.

MR. BABCOCK: We do have a map we'll look it up.

MR. MINUTA: Second question, I'm very pleased to see a master plan of this site as an overall first blush, I think it's great developing, the one section I think right on target with developing the road up to a certain point cause I see this boulevard through the center of it, if you do develop the whole thing, in my

opinion, it's just going to collect possibly an unwanted element because it's going to be a dark road down the end, you're going to develop it to a certain point based on what I see it's more of a boulevard, I would like to see that boulevard tree lined as just initial comments.

MR. SHAW: Just to respond to that point in my initial discussions with Mark because we're dealing with just this one lot we had detailed landscaping for this lot but what Mark also wanted was the landscaping on Temple Hill Road in front of this lot to be extended down along the leased parcel number two, even though nothing's being planned for it so that the landscaping is consistent at the same time he wanted the landscaping to go down the new roadway.

MR. ARGENIO: I was going to suggest that.

MR. SHAW: So yes the plans are before you tie all that together they tie the landscaping of this parcel with the entire front with the entire length of the roadway.

MR. MINUTA: Wonderful.

MR. EDSALL: Just for the record, the historic zone ends up near the railroad tracks so this is not in the corridor, it ends up at by Mertes Lane.

MR. MINUTA: Thank you.

MR. ARGENIO: Joe, anything else?

MR. MINUTA: Initially that's all I have.

MR. ARGENIO: Believe me, that's all we're looking for right now, later on we'll be talking about dumpsters and things of that nature that you tend to focus on and that's a good thing.

MR. SCHLESINGER: You know, I think that the type of situation was before the board before.

MR. ARGENIO: Where?

MR. SCHLESINGER: I think there's a couple of issues where we wanted the road to be completed.

MR. ARGENIO: I've seen this in the Town of Newburgh but I don't remember ever seeing it in New Windsor. Mark, do you?

MR. EDSALL: No.

MR. BABCOCK: Gallagher.

MR. EDSALL: Devitt's we had a commercial access road with several uses, we've gotten smarter from what might have gone right and what might have gone wrong with those, we're going to try to do this as best as we can.

MR. SCHLESINGER: I'd just rather see the table set as much as possible, that's my personal opinion.

MR. ARGENIO: Howard?

MR. BROWN: Not at this moment.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: I'd like to see lighting is the way, let me ask you a question, if you're going to do this retail building in the corner up here, is there a way that you can close off the new road for the time being and come out onto Temple Hill Road so none of these kids can't go parking back there and use drugs and all that stuff because that's a problem we have to look into that.

MR. EDSALL: You can have the road built and then you

can always construct it and then barricade passed the retail building driveway.

MR. VAN LEEUWEN: You can barricade it like Jerry said.

MR. SHAW: To answer your question on the lighting, we do include in that set of drawings we have a lighting plan for this site and a lighting for the 30 foot wide drive so that's already been incorporated into the drawings.

MR. VAN LEEUWEN: Is that going to be donated to the Town that drive?

MR. SHAW: No, everything's privately owned, going to remain one parcel of land after everything is built out.

MR. ARGENIO: What's your paving section?

MR. SHAW: What's my paving section, it should be on page 3 possibly.

MR. ARGENIO: I'll say for the board members I asked about the paving section, it was two weeks ago I was across the river in I think it's Fishkill, whatever Route 9, Route 9 and 84 and if you go north on 9A a few hundred yards and you make a left going back west into that big park there, that big office park with Wal-Mart, the roads in the parking lots have exploded, I mean, it's a relatively new commercial subdivision, relatively new within the past eight years, but it really looks like a bomb went off in there, I don't know who did it, but looks to me in driving through there that there's not a substantial enough section of pavement and I wouldn't want that in this Town and that's why I asked you the question. And I see you have 3 1/2 inches of base and that should be binder but that's okay, 1 1/2 inches of top and that's a substantial road.

MR. SHAW: I believe those are the specs for a Town road, so I figured if the Town specs for their roads are adequate for any type of vehicle certainly would be good enough here. One other thing I want to point out and I mentioned my clients MC & B, these are the gentlemen who own the property across the street, Blockbuster Video, Jiffy Lube, they're the same entities that own this parcel, so they're not newcomers to New Windsor, I did work for them probably about ten years ago and if you want to see what their work looks like, just take a look over there.

MR. SCHLESINGER: Two questions, obviously this isn't relative but your choice of the last unit of car wash they have a car wash across the street.

MR. SHAW: It may move.

MR. SCHLESINGER: No, that won't move because that's part of Jiffy Lube but regardless that's not my issue, do we have a water issue that we need to address here?

MR. SHAW: If a car wash gets built here that they own they're not going to keep the car wash, again, this is all one parcel, they own it all, they told me that they would take the car wash and move it from there to here, they will not have two car washes across the street from one another in competition.

MR. SCHLESINGER: Is there a water issue here?

MR. BABCOCK: No.

MR. ARGENIO: Mark is going to help us with that, it's not an extension of the main, it's a private service is the way I have historically interpreted these things since it's been in effect.

MR. EDSALL: Needs Orange County Department of Health

approval but it's not a Town water main extension.

MR. BABCOCK: Any water lines within this development would be theirs.

MR. SCHLESINGER: Okay.

MR. BABCOCK: They're going to tap our line once.

MR. MINUTA: If it ends up being a car cash majority is recycled.

MR. ARGENIO: Well, Mr. Shaw, what, how far are we going to go?

MR. EDSALL: No, I think the key was is that there's a positive and negative about having everything on this at once, one case looks like it might be simple just to deal with one little piece, but that's not good planning, Greg and I talked about how best to make sure we look at the whole development so you guys can look forward and then of course going to come back piece by piece, the point tonight is just to make sure everybody is comfortable with how Greg proposes to go through the process that's really what the goal was.

MR. ARGENIO: Should we be issuing the lead agency coordination letter?

MR. EDSALL: I believe at this point you can compare these plans to most first time visits and I think there's a lot more here than you get on a lot of last time visits, so I think these plans are in very good shape, no reason why we couldn't send him out to the County to the Planning Department and send it for lead agency coordination.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board circulate a lead agency coordination letter on the MC & B Partnership site plan. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: What else?

MR. EDSALL: That's about all you can do. I've kept notes on your concerns, Greg and I have talked a lot about the specifics at the workshop, I've got notes on what you guys indicated you're concerned with and we'll continue.

MR. SHAW: I'll wait for the 30 day period for both the county and the DOT to expire and then I'll be back and we'll discuss a little more detail.

MR. ARGENIO: We'll talk a little more about the how complete we're going to make the road and certainly the common improvements need to be done on the front end absolutely with the exception of that we talked about the road a little bit we'll go from there.

MR. EDSALL: One item that I probably should warn Greg about that I'm going to ask for is a traffic study only because of the proximity to Five Corners and the problems we've had, if we're going to go through SEQRA and deal with the whole thing, let's do the study now.

MR. SHAW: No argument.

MR. MINUTA: As a consideration, we do not have an architectural review commission, however, we're a planning board, I would like to at least make note that the applicant have an idea as to what they would be introducing here so the entire site is constructed in a like manner.

MR. EDSALL: It would certainly make sense to have one architectural tone.

MR. MINUTA: Exactly.

MR. EDSALL: Rather than hodgepodge.

MR. SHAW: I'm not disagreeing, I'm just thinking if we end up with national franchises in there they have their own style of architecture, if you're going to have a Kentucky Fried Chicken, say we want a colonial architecture, so that's something we have to talk about, I understand your point and we have to find a happy balance.

MR. ARGENIO: It certainly will come up.

MR. SHAW: Not a problem, it's a fair question.

SILVER, _FORRESTER, _SCHISANO, _LESSER_ & _DREYER, _P.C._

(06-12) _____

Mr. Anthony Coppola appeared before the board for this proposal.

MR. ARGENIO: Application proposes two story building on the front which would be the west side of the building. Mr. Coppola is representing this.

MR. COPPOLA: Thank you, Mr. Chairman. This is a small two story addition to the existing law offices at Silver Forrester, we were actually I think in front of this planning board in about six or seven years ago, they did a second story addition here, what they're proposing now is basically I'll show you the interior real briefly kind of a relocation of the existing staircase, that entrance door, that front, the parking lot that's going to remain where it is, they're going to relocate the stairs, enlarge their waiting room, do a new staircase, new office kind of in this empty spot in the front here so the setback to the road will not become any less than it is now, then a second story office and then staircase upstairs. What's kind of driving the size here is two things, one is the sprinkler ordinance which requires this building to be sprinklered if it's over 5,000 square feet, we're just under that, and basically when we were here for the last addition they improved the parking lot based on that size at that time and the parking has since been calculated on a denser basis, I believe it was 200 square feet before, it's 150 square feet now, one space per 150 square feet. So we had to recalculate one space here, 150 square feet, so the parking lot footprint that's there right now is 90 or 95 percent the same as what we're showing to be proposed, the biggest major difference is they have this angled entrance on the northbound lane of 9W and really to get the parking that's required on that one space per 150 square feet.

MR. ARGENIO: You have to close the entrance.

MR. COPPOLA: Exactly which I'm sure DOT's going to love and then rework some additional parking at that corner, so that's really it in a nutshell, parking lot is more or less where it is right now, we'll have to restripe it and probably rework a bit of that to get the requirement in, the entrance stays the same and the proposed building is just kind of filling that corner there.

MR. VAN LEEUWEN: In other words, you're going to close one entrance off and keep one entrance, right?

MR. COPPOLA: Right, the angled entrance will be closed off and this is wide enough, that two way entrance there.

MR. SCHLESINGER: Is there an elevator?

MR. COPPOLA: No, under 3,000 square feet doesn't need an elevator.

MR. SCHLESINGER: And the total with the new building?

MR. COPPOLA: Just under 5,000 4,900 and change.

MR. SCHLESINGER: What did you say about the elevator, 3,000?

MR. COPPOLA: If I build a new two story office building and I build a second floor that's under 3,000 square feet, I do not need an elevator, under 3,000 square feet is the key.

MR. ARGENIO: I think the main reason that this is here, correct me if I'm wrong, this is an architectural issue, I think the main reason it's here you're playing games with the parking and closing the entrance, is

that right, Mark?

MR. EDSALL: Well, they're got the addition, they're squaring off the building because of interior architectural issues and access to stairways and such.

MR. COPPOLA: We're adding square footage to the building, 600 square foot.

MR. MINUTA: We're not seeking any variances here, correct?

MR. COPPOLA: No, no, our parking spaces conform, the setback is probably non-conforming but we're not being greater than what's there.

MR. ARGENIO: Not impacting more adversely than what's there now.

MR. COPPOLA: Correct.

MR. ARGENIO: You have some corrections on the bulk tables, you have a copy of Mark's comments?

MR. COPPOLA: I do now.

MR. ARGENIO: Number one, two corrections that need to be made to the bulk tables. Mark has a couple things I just want to, I will certainly give the board members an opportunity to comment further but I want to dispose of this first. You've got to put the additional handicapped spaces in there or the additional handicapped space, we're going to need detail on the final disposition of that southern entrance how you're closing that off, curbing that, putting grass in, putting, what are you doing there?

MR. COPPOLA: We'll detail that.

MR. ARGENIO: The handicapped parking detail should be

corrected properly to depict the paired blue and white stripes on top of that, do you understand what he's talking about, that's a new thing and a lot of towns are doing it and it works rather well.

MR. COPPOLA: Blue and white?

MR. EDSALL: Well, you show one stripe and painted it twice, believe me, Mike and I have learned.

MR. BABCOCK: This is not for Anthony, it's for the guy building it.

MR. EDSALL: We've learned unless it's on the plan, right, they always do it right in the field.

MR. ARGENIO: I'll accept, Mark, we can assume lead agency, we don't have to put out a letter.

MR. EDSALL: I don't believe that there's going to be other than probably a procedural permit or just a letter of okay, they're not building anything new, they're eliminating something, so I don't think DOT really cares.

MR. ARGENIO: Accept a motion that we circulate--

MR. EDSALL: No, I think we can just assume the position of lead agency.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board assume lead agency under the SEQRA review process. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. MINUTA AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: I'm going to leave it up to my contemporaries.

MR. VAN LEEUWEN: You're getting awful fancy with the words.

MR. ARGENIO: I went to college, that's why. How does everybody feel about the public hearing?

MR. VAN LEEUWEN: I don't think you need a public hearing.

MR. ARGENIO: I kind of agree. Neil? Joe? Howard?

MR. BROWN: I don't think we need one.

MR. VAN LEEUWEN: Make a motion we waive it.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Joe, you're all right with that?

MR. MINUTA: I'm fine.

MR. ARGENIO: Motion has been made and seconded we waive the public hearing for the Silver Forrester.

MR. VAN LEEUWEN: Can I ask one question before we vote? Are you going to dress up that building cause that building is ugly?

MR. COPPOLA: Yes, yes, absolutely promise to do that.

MR. ARGENIO: He's got, let me finish my thought before I get sidetracked, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. MINUTA AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: We're not going over the fence with this one, there's some things that have to be done here and they need to be done.

MR. VAN LEEUWEN: I want to see a picture of the new building the way it's going to look.

MR. ARGENIO: This has to go to Orange County Planning, Mark, we don't have to vote on that?

MR. EDSALL: No, you could given the very minor nature you could get SEQRA out of the way and classify it.

MR. ARGENIO: Take care of notifying Orange County Planning and I would, I'll accept a motion for a negative dec under SEQRA if anybody agrees.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare negative declaration on the SEQRA process for Silver, Forrester site plan amendment. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. MINUTA AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Mark, do we refer to highway or does--

MR. EDSALL: DOT, I'll send it up, we'll send it to both Siby Carbone up in Newburgh and to the Department of Planning and I would think in 30 days you'll be ready to ask for approval.

MR. MINUTA: The entrance clearly you have enough room, I do have a concern with the, where we have the car parked at the entrance, if there's something that could barricade that car from another car coming into the parking lot.

MR. COPPOLA: We could add a little peninsula there.

MR. ARGENIO: You know what, Anthony, get us a width on that too, put the width on the plans, I want the width of the entrance posted on the plans please, if you would.

MR. BABCOCK: It's on there.

MR. COPPOLA: It's 25 feet.

MR. ARGENIO: Thank you.

DISCUSSION

QUICK_CHEK

MR. EDSALL: Mr. Chairman, the board adopted just by motion a negative dec for the Quick Chek application and granted a conditional approval, as you know, in many cases the attorneys representing particular applicants prefer a particular detailed negative dec memorializing all the history and actions and such, the attorney for the Quick Chek has requested that a specific negative dec be adopted by the board and I've looked at it, I believe Andy's looked at it.

MR. KRIEGER: Yes.

MR. ARGENIO: You did look at it?

MR. KRIEGER: Yes, I did.

MR. ARGENIO: It's in conformance with the law of the SEQRA, law of the State of New York?

MR. KRIEGER: Yes, I believe it is. I believe it's also consistent with this board's prior actions.

MR. ARGENIO: What they want, I have a copy of it here, they want us to adopt the negative dec that their attorney wrote our attorney and our engineer agree that it is consistent with what we established as a negative dec and consistent with state law.

MR. EDSALL: So if you could do it by motion.

MR. ARGENIO: Andy's reviewed it and he's done a thorough review and that's what his function is here and having said that, I'll accept a motion that we accept this document.

MR. VAN LEEUWEN: So moved.

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MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that we accept the SEQRA negative dec document for Quick Chek Foods, Town of New Windsor. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MC_QUADE

MR. EDSALL: McQuade application received conditional final approval, since they got that approval, they have been looking at the grades on the pool area which sit down a bit from the balance of the complex and what they have done is approached me and said look, how much of a problem would it be to adjust the pool grades and effectively lift that whole pod and then grade around it and I said that I think if the layout's the same, the board really wouldn't care and if it improves handicapped access, I'd think that you'd look at it positively. So with the board's permission, I'll review it and final plans that come would just include that.

MR. ARGENIO: Architect of record screwed up the drawings?

MR. EDSALL: We would never criticize anybody.

MR. MINUTA: For the record, I will recuse myself.

MR. ARGENIO: Mark, how much are they adjusting the grade?

MR. EDSALL: Does 50 feet sound reasonable?

MR. ARGENIO: Is it half inch or two feet?

MR. BABCOCK: Eight feet.

MR. EDSALL: Instead of coming down, they're bringing it up so it's consistent with the balance of the site.

MR. ARGENIO: I don't have any problem with you handling that, I assume it's not affecting any other slopes, aren't going to run off into the neighbor's yard or anything like that.

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MR. EDSALL: The two things we're going to look at number one does it still close grade wise, does it work and number two, what's it going to look like, does it impact SWPPP.

MR. ARGENIO: That should be left in your storm water prevention pollution plan.

COVINGTON_ESTATES

MR. SCHLESINGER: Covington Estates, I agreed for final approval and it was my belief that final approval was based upon either the water moratorium being lifted so they have access to water and I believe that they also have a right to put in wells if they want, is that correct?

MR. EDSALL: Water moratorium does not affect them for a connection, it affects them only as in respect to if they're in the district or not.

MR. BABCOCK: That's correct.

MR. SCHLESINGER: Are they in the district?

MR. BABCOCK: No.

MR. SCHLESINGER: They're not in the district?

MR. BABCOCK: That's the issue because they could be a single connection with a private line, so if they were in the water district, they could build today.

MR. ARGENIO: But to get to the water district they have to extend the main, is that right?

MR. EDSALL: No.

MR. BABCOCK: No, they're just not included in the water district, they'd like to be included in the water district.

MR. EDSALL: There appears to be and again, I didn't do the investigation, but my understanding what's been explained to me is that there's some inconsistencies as to why there's a water district that has a hole in it, why this property's the only property in the entire area that's not in the district.

MR. VAN LEEUWEN: Where is this?

MR. BABCOCK: On Temple Hill Road by Continental Manor.

MR. EDSALL: Part of the problem is was it really inadvertently left out of the district and just a mistake or was it intentional, so that's part of what was being looked at by the Town.

MR. SCHLESINGER: They want to go ahead and build, they can build with well water.

MR. BABCOCK: Well, what the law says they have to have a central system so yes, where they get their water from, the Town used to get their water from wells.

MR. SCHLESINGER: I understand but that central system has to get final approval from fire and health department, is that correct?

MR. EDSALL: Has to get health department.

MR. SCHLESINGER: What about fire?

MR. EDSALL: Not fire because there could be a hydrant lateral put in for fire service.

MR. SCHLESINGER: Who verifies the pressure and the availability of the water, the amount of the water.

MR. EDSALL: The health department looks at pressure, if it involves servicing buildings, if it's just for hydrant for fire flow, the fire inspector's office okays the hydrant.

MR. SCHLESINGER: So a plan would have to be presented to the fire department for an approval.

MR. EDSALL: Fire inspector.

MR. SCHLESINGER: For approval.

MR. EDSALL: For a single hydrant, I would imagine the water department fire inspector would agree to where they want it.

MR. SCHLESINGER: That's fairly large, this has 124 units so how is that addressed?

MR. BABCOCK: This has never happened to us, that's why I, when they created a district, they're flagging a piece of property, this piece of property's in the district, so is this one, so is this one, the water lines might not be there, it's just within the district.

MR. ARGENIO: Neil, you're asking questions, what's your ultimate concern?

MR. SCHLESINGER: They have approval, they can start building condos and they have to supply their own water, there has to be some sort of means for fire hydrants, is that correct?

MR. VAN LEEUWEN: Correct.

MR. SCHLESINGER: Okay.

MR. VAN LEEUWEN: People have to be protected.

MR. SCHLESINGER: So who approves that system?

MR. EDSALL: Central water system?

MR. SCHLESINGER: Yes.

MR. EDSALL: The answer to your questions if other than a well, if a water distribution system goes in, if they obtain the extension to the district, the health

department has to approve that. If a central water system goes in, they still have distribution lines but they'd have a well and hydronomatic tank and storage, health department approves that.

MR. ARGENIO: Who reviews that?

MR. EDSALL: Health department either way, same as a trailer park, health department approves the water system.

MR. MINUTA: Let me just clarify, so potable water and serviceable water for fire is both approved by the Orange County Health Department, is that correct?

MR. BABCOCK: On that project, yes.

MR. MINUTA: Service part is not.

MR. BABCOCK: It all will be.

MR. EDSALL: It all is, it all is, and any water system community, water system has to obtain health department approval, be it a private, non-public water system, meaning well and hydronomatic tank, whatever that is, health department or if it's a distribution system tapped into our main it's health department.

MR. ARGENIO: Neil, do you have a problem with that specifically or you just want to make sure that if they do elect to do something like to at some point in time you want to make sure it's monitored and administered property?

MR. SCHLESINGER: Yes.

MR. ARGENIO: I have the same concern.

MR. VAN LEEUWEN: So do I.

MR. MINUTA: I'm in agreement.

MR. ARGENIO: Private water systems are not something that's never ever been done, it's very seldom.

MR. BABCOCK: We have one in Beaver Dam services 200 houses, we don't have one, they have one.

MR. EDSALL: Windsor Crest had public water but at a private hydro system because they could not get the correct pressures from the Town system, that was part of their approval and that was only eight years ago.

MR. ARGENIO: Meadow Winds in the Town Newburgh has the same thing, they have a private system that's charged by a huge tank and again it was Department of Health that reviewed it.

MR. EDSALL: So the answer is either way the health department has to approve it.

MR. BABCOCK: The code says they have to have a central water system, doesn't say it has to be owned by the Town, just got to be a central water system.

MR. EDSALL: Now as far as the fire flows go internal to the site, their fire walls and the manner in which they build the units may have to change if they have less fire flow available.

MR. SCHLESINGER: And that's supervised by?

MR. EDSALL: Based on what's available Mike will have to review the plans as far as fire separation.

AMERADA_HESS

MR. MINUTA: I do have one question, Amerada Hess, we approved their application, when are they starting construction, does anyone know?

MR. EDSALL: Have not heard.

MR. MINUTA: They were in a big rush to get the approvals.

MR. EDSALL: Hurry up and wait.

MR. BABCOCK: I think they're probably--

MS. MASON: Haven't even signed the site plans.

MR. BABCOCK: They had to have the approvals because DEC wouldn't give them approval without our approval and we wouldn't give them without DEC, if you remember that, so we give them the approval, now they're at DEC to get DEC approval, they haven't even asked for a stamped plan.

MR. MINUTA: They're at DEC?

MR. BABCOCK: Yeah.

MR. MINUTA: Thank you.

MR. ARGENIO: Nothing further, motion to adjourn.

MR. MINUTA: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE

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MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer